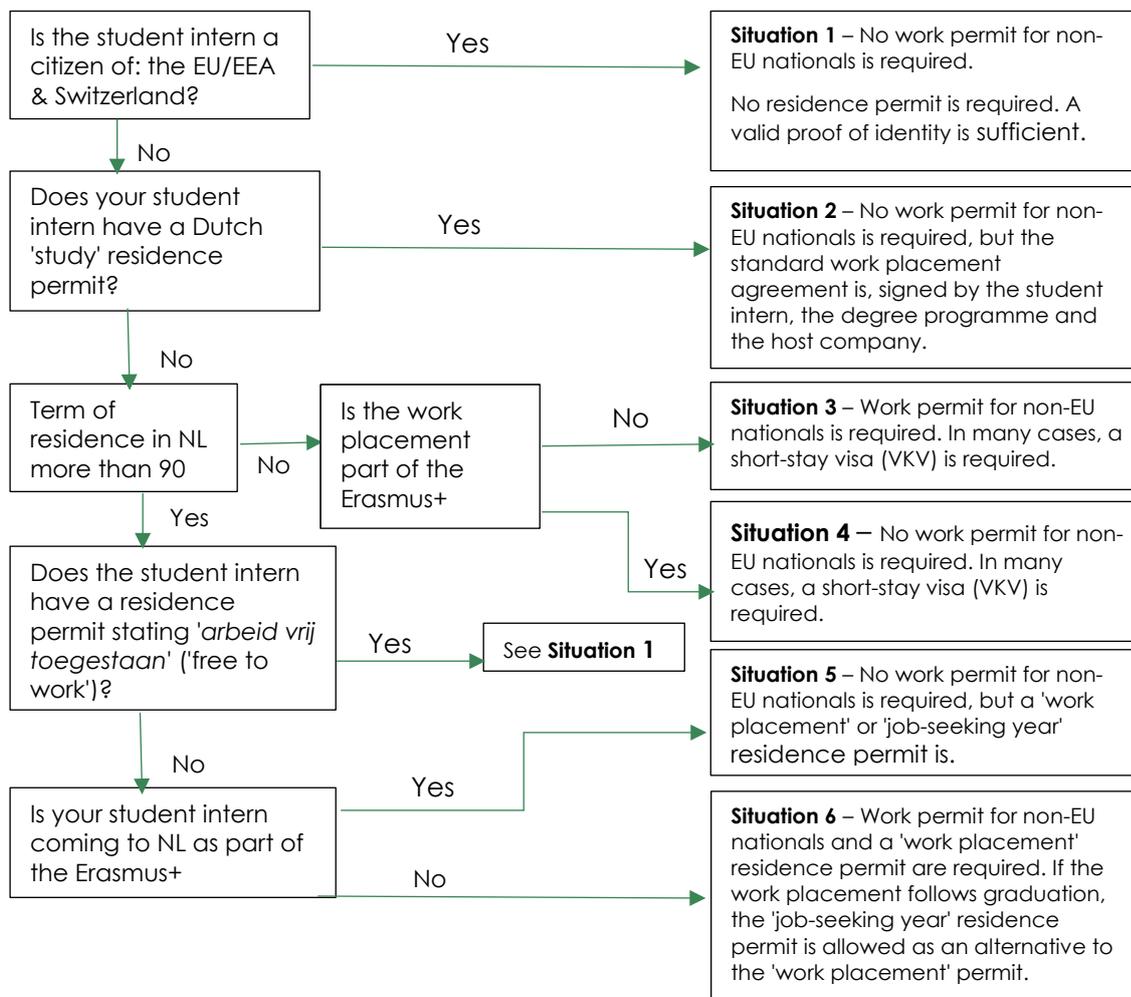


## **How do I hire an international student intern?**

**In many cases, it is possible to offer a work placement to an international student intern. However, there are regulations and administrative procedures you have to take into account. This fact sheet gives you an overview of these regulations and procedures.**

**As an employer who would like to hire an international student intern, you have to determine whether a work permit for non-EU nationals (TWV) and/or a residence permit (VVR) should be applied for.**

## How can I know whether a foreign student intern is in the Netherlands legally?



VKV: short-stay residence permit – entry and residence visa for a stay of less than 90 days.

TWV: work permit for non-EU nationals – a permit the employer requests in order to employ this foreign national.

## **Situation 1 – Work placement without work permit for non-EU nationals (TWV)**

This is for student interns who are citizens of a European country. This group enters the Netherlands legally with a valid identity document, such as a passport (always check to see whether this document is valid for the duration of the work placement). This group has free access to the labour market, which means that you are not required to apply for a work permit for non-EU nationals (TWV) for them. You are advised to conclude a work placement agreement within which the learning objectives and other arrangements of the work placement are clearly formulated. Please note that other rules apply for Croatian nationals. For a term of residence of less than 90 days, Situation 2 applies. For a term of residence longer than 90 days, they are required to work in the Netherlands in accordance with the Foreign Nationals (Employment) Act before getting free access to the labour market.

Situation 1 also applies to student interns with a non-European nationality who have obtained a valid residence permit allowing them to work in the Netherlands. On the back of this residence permit, it should say '*arbeid vrij toegestaan*' (free to work).

### **How should student interns be insured for healthcare costs?**

Student interns have an obligation to take out proper healthcare insurance. When you offer your intern the minimum wage or more as intern-compensation, they are obliged to take out the Dutch basic healthcare insurance. You can help them with finding an appropriate insurance. In other situations, they have to arrange insurance in a different way, for example through their European insurance provider (e.g. with an EHIC card) or a private insurance provider in the Netherlands which offers products for international students. Under basic healthcare insurance, student interns may apply for the healthcare benefit by submitting an application to the Tax and Customs Administration.

## **Situation 2 – Work placement in the context of a Dutch study programme. No work permit for non-EU nationals (TWV) is required, but a tripartite work placement agreement is.**

An exemption has been created for international students who are studying in the Netherlands and who technically require a work permit to gain access to the labour market: [the tripartite work placement agreement](#). This was drawn up and agreed together with the Ministry of Social Affairs and Employment, the Employee Insurance Agency (UWV) and the Inspectorate SZW and may be found on the [Study in Holland](#) website. The permit is available to student interns who have obtained a valid Dutch residence permit for the purpose of 'study' (as stated on the back of the residence permit pass). The work placement agreement sets out the learning objectives and agreed arrangements regarding guidance. The document should be signed by the host company, the student intern and the institution of higher education. You should keep a signed copy in your administration, together with a copy of the student intern's passport and residence permit.

The student intern already has a valid residence permit for the purpose of 'study'. You need a copy of this for your file. Be sure that the residence permit is valid for the entire duration of the work placement.

### **Situation 3 – Work placement for no more than 90 days with a work permit (work permit for non-EU nationals required)**

This is for student interns who will be staying in the Netherlands for less than 90 days, who will be completing a work placement with you and who are nationals from a country outside the EU/EEA and Switzerland. Croatian nationals fall under Situation 3 as well.

**Residence:** you can determine whether a student intern needs a short-stay visa (VKV) by consulting the ['Immigration procedures by nationality' overview](#). Student interns apply for short-stay visas themselves, via the Dutch representation in their own country. Those who do not need a short-stay visa may remain in the Netherlands for 90 days based on their passport or a residence permit from another Schengen Member State. This is referred to as 'free-period residency'. In such cases, it is important that the document granting residency be valid for the entire duration of the stay in the Netherlands.

Student interns who require a visa because of their nationality must apply for this themselves. A letter of invitation from the host company is required to this end, plus evidence that a work permit for non-EU nationals (TWV) has been applied for from the Employee Insurance Agency.

**Work permit:** employers do need to apply for a work permit for non-EU nationals (TWV) for their student interns in this situation. In such a case, the following conditions must be met:

- A phased work-placement plan must be submitted, which should preferably be as detailed as possible.
- The student intern must have completed sufficient job-related training, and must generally be in the final year of their study programme. For student interns who are not yet in their final year, it is advised to add an explicit explanation of why, in this case, they have nonetheless completed sufficient professionally oriented training.
- The student intern must have sufficient financial resources. This may consist of various sources or combinations thereof (grant, personal finances and/or work placement remuneration), as long as the total amount comes to at least 50% of the minimum (youth) wage.
- The maximum permissible length of a work placement at senior secondary vocational level (MBO) is six months. The maximum permissible length of a work placement at higher professional/university level (HBO/WO) is 12 months.

You risk a €12,000 fine if you do not have a work permit for non-EU nationals for your student intern.

Does the work placement need to be extended? Please note that, in most cases, it is difficult to have someone from one of these countries come to the Netherlands for a maximum of 90 days and then to allow them to remain longer than 90 days. In such cases, a residence permit application will usually have to be submitted from their homeland.

#### Can I pay work placement remuneration free of tax?

In principle, work placement remuneration is taxed. You may deviate from this if someone comes to the Netherlands solely for work-placement purposes and remains in NL for no more than six months, and if you pay the student intern remuneration to cover the costs of accommodation and living expenses. A normal work placement remuneration usually meets these needs. Further information? See the Handbook for deductions at source 17.3.3.

#### How do I apply for a separate work permit for non-EU nationals (TWV)?

You can apply for a work permit via the website of the Employee Insurance Agency (UWV), [www.werk.nl](http://www.werk.nl). At Step 2, select 'Stagiair' (student intern). To complete the application, you require the following documentation:

- application form, signed and dated;
- copy of passport (pages containing personal details);
- copy of your Chamber of Commerce Trade Register extract;
- in cases of proxy: authorisation from the employer;
- certificates of previous education, or documentation proving that the student intern has completed sufficient basic job-related training in their country of origin;
- copy of visa/residence permit or evidence that the student intern has made an appointment to apply for a visa;
- copy of a work placement agreement signed by both the student intern and the employer, including a phased work-placement plan that names the student intern and the employer and shows that the educational institution has approved the submitted work-placement plan;
- statement from the educational institution that demonstrates that the student intern is registered as a student for the work placement period and specifies the student intern's current year of study. Alternatively, if the programme has already been completed, a copy of the diploma.

#### Is a foreign student intern allowed to take up a work placement after graduation?

Yes, as of May 2018, a foreign student intern may also take up a work placement after graduation, as long as the application for the work permit is submitted no later than two years after graduation. Of course, the other conditions for receiving a work permit for a work placement apply as well.

#### Situation 4 – Erasmus+ work placements for no more than 90 days with work permit, no work permit for non-EU nationals required.

This is for student interns who will be staying in the Netherlands for less than 90 days, who will be completing a work placement with you and who are nationals from a country outside the EU/EEA and Switzerland. Normally, a work permit for non-EU nationals (TWV) is required for this situation, but because the student intern is participating in the Erasmus+ programme, an

exemption for the work permit for non-EU nationals is applicable. (This is set out in Section 1, paragraph 1(m) of the Foreign Nationals (Employment) (Implementation) Decree, BUWAV).

**Residence:** is the student intern arriving from another Schengen country? In that case, the student intern probably has a valid residence permit for that other country. This means the student intern may stay in the Netherlands legally for a maximum of 90 days (visa 90/180 days rule). Pay careful attention to the minimum duration of a work placement in the context of the Erasmus+ programme, as these usually last for a minimum of three months. Three months is just a bit longer than 90 days. There are all kinds of solutions to ensure that a work placement of three months does not exceed 90 days, such as having the student intern read documents at home for the first week, have them finish the report at home during the final week or having the student intern return to their country of residence (or a country outside the Schengen zone) for a few days somewhere in the middle. While this is not necessarily a problem, it does require special attention.

Should a student intern not have a valid residence permit for a Schengen country, then you should decide whether you need to apply for a short-stay visa based on the student intern's nationality using the ['Immigration procedures by nationality'](#) overview. Student interns have to apply for the 'short-stay visa' themselves, via the Dutch representation in their own country. Those who do not need a short-stay visa may remain in the Netherlands for 90 days based on their passport or a residence permit from another Schengen Member State. This is referred to as 'free-period residency'. In such cases, it is important that the fundamental document be valid for the entire duration of the stay in the Netherlands.

Student interns who require a visa because of their nationality must apply for this themselves. A letter of invitation from the host company is required for this.

#### **How can student interns obtain a citizen service number (BSN)?**

You will need your student intern's citizen service number (BSN) for your administration. Student interns can get a citizen service number from the municipality. For a stay shorter than four months, student interns can register with the municipality at the RNI counter (Register of Non-residents). They will be issued a citizen service number after the data have been entered in the register. Student interns who will be staying in the Netherlands for more than four months have to register with the municipality during the first week of their stay. They will be issued a citizen service number after the data have been entered in the register.

## **Situation 5 – Work permit is not required, residence permit is required**

This is for student interns who come to do a work placement with you for longer than 90 days, who are nationals from a country outside the EU/EEA or Switzerland and who are doing the work placement as part of the Erasmus+ programme. An exemption for the work permit for

non-EU nationals (TWV) can now be obtained based on Section 1, subsection 1(m) of the Foreign Nationals (Employment) (Implementation) Decree (BUWAV). This simplifies things, since it can be a difficult procedure to complete.

Right of residence for the purpose of a work placement during study: residence permit for 'learning on the job', especially for the purpose of completing a work placement. For the 'learning on the job' residence permit, fill out the Immigration and Naturalisation Service form for 'paid employment' and check the box to indicate 'learning on the job'. The forms 7010, 7016 and 7022 are available for this. In order to complete this procedure, you have to be able to demonstrate that the work placement took place as part of the Erasmus programme. Student interns may also participate in the Erasmus+ programme without having received a grant (non-grant), which is considered sufficient for this procedure. This procedure can be requested by student interns (form 7022); this does not require any action on your part. One drawback, however, is that it can be quite complicated for foreign student interns to complete such an application.

Right of residence for the purpose of a post-graduate work placement: it is also possible to become a student intern after completing a degree programme. The 'learning on the job' residence permit may be obtained up to two years following graduation. You can read more about this procedure in the previous section. Additionally, the 'job-seeking year for highly educated persons' residence is an option

for student interns who have successfully completed a Bachelor's, Master's or PhD programme in the Netherlands within the last three years or have completed a Master's or PhD programme at one of the top 200 universities abroad. This residence permit allows the holder to be economically active in the Netherlands, including taking up a work placement. A 'job-seeking year' residence permit grants the holder free access to the Dutch labour market. In such a case, you need not apply for a work permit.

## **Situation 6 – Work placement with residence permit and work permit**

This is for student interns who will be staying in the Netherlands for more than 90 days, who will be completing a work placement with you and who are nationals from a country outside the EU/EEA and Switzerland. Both the right to residence and the right to work must be obtained. This means that applications must be submitted for both a 'learning on the job' residence permit and a work permit. Check the information for Situation 3 about the work permit to ensure you meet the conditions, such as those the Employment Insurance Agency (UWV) sets for student interns. A 'learning on the job' residence permit that requires a separate work permit may be obtained up to two years following graduation.

Post-graduates (BA or MA from a top 200 university) have another way of taking up a work placement without a work permit: 'job-seeking year for highly educated persons' A discussion of the 'learning on the job' combined work and residence permit (GVVA) follows below, and of the 'job-seeking year for highly educated persons'.

Applying for a GVVA procedure: this is a combined procedure involving both right of residence and a work permit, so that only one application is required, which is the 'learning on the job' GVVA. You must submit the application to the Immigration and Naturalisation Service and send them the same documentation as for a separate work permit (see under Situation 3), plus the annexes as stated on the Immigration and Naturalisation's application form.

Keep a copy of the passport, the residence permit and the letter from the Immigration and Naturalisation Service awarding the single permit for your administration.

The student intern may travel freely within the Schengen zone with the work permit for no more than 90 days six months, also referred to as the visa 90/180 days rule.

The 'job-seeking year for highly educated persons' residence permit may be applicable for student interns who have completed a BA or MA programme in the Netherlands in the past three years, or have completed an MA programme at a foreign university that was in the list of top 200 universities at the time the student graduated. This residence permit grants the holder the right to be economically active in the Netherlands. A post-graduate work placement is an option in this case. A 'job-seeking year' residence permit grants the holder free access to the Dutch labour market. In such a case, you need not apply for a work permit.

## Key legislation

- [Foreign nationals \(Employment\) Act \(WAV\) \(Sections 2 and 8 especially\);](#)
- [Foreign Nationals \(Employment\) Act \(Implementation\) Regulations, Annex I, under 30: Student interns in higher professional/university education;](#)
- [Information about the GGVA procedure.](#)

### What is a work placement? And which activities are and are not eligible under a work placement?

In answer to parliamentary questions, the then Minister of Social Affairs and Employment, in 2013, described a work placement as follows:

"In a work placement, activities are carried out in the workplace in which the learning aspect has been given the central role. ...

In order to be designated as a work placement, it is crucially important that the intern's activities be clearly differentiated from those of a regular 'employee'. The activities of a regular employee are generally of a productive nature, directed at generating turnover, making profit, obtaining certain goals, etc.

The most common criteria for work placements are:

- existence of an work placement agreement;
- existence of a clear learning plan in which the learning objectives have been clearly stated;
- the primary goal of the work placement being learning, and not working;
- the learning aspect of the work being given the central role;
- the intern being differentiated from regular employees because the activities undertaken are not directed at productive results that primarily generate turnover or profit;
- the guidance the intern receives being focused on the learning aspect and not on production;
- a special additional place having been made for the intern, who therefore is not given a place that would normally be given to an employee;
- the existence of an agreement between the educational institution and the 'employer' containing the arrangements agreed between them is preferable, though not mandatory;
- the work placement being evaluated mid-way and at the end;
- it being possible to demonstrate whether the learning objectives have been achieved by the intern, and if so, how.

... If the actual situation does not meet the abovementioned criteria, then it cannot be called a work placement. ... A training period shall not count as a work placement either. "

Parliamentary Questions regarding unpaid work placements – 28 October 2013. [Reference 2013-0000146267](#)

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